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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/979,562	11/14/2001	Chandrika Kasturi	7577	5954

27752 7590 03/18/2004

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EXAMINER

MRUK, BRIAN P

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 03/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/979,562	Applicant(s) KASTURI ET AL.	
	Examiner Brian P Mruk	Art Unit 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-6,15-17,19-24 and 27-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-6,15-17,19-24 and 27-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is in response to Applicant's amendment filed December 15, 2003. Applicant has amended claims 1, 16-17, 19-20, and 22-23. Claims 2-3, 7-14, 18, and 25-26 have been cancelled. New claims 27-42 have been added. Currently, claims 1, 4-6, 15-17, 19-24, and 27-42 remain pending in the application.
2. The text of those sections of Title 35 U.S. Code not included in this action can be found in the prior Office action, Paper No. 5.
3. The objection of the specification for not containing an abstract of the disclosure is withdrawn in view of applicant's amendments and remarks.
4. The objection of claims 1, 4-7 and 15-24 is withdrawn in view of applicant's amendments and remarks.
5. The rejection of claims 1-7, 13, and 15-25 under 35 U.S.C. 112, second paragraph, is withdrawn in view of applicant's amendments and remarks.
6. The rejection of claims 1-2, 4-17 and 22-26 under 35 U.S.C. 102(b) as being anticipated by Jeschke et al, U.S. Patent No. 4,784,789, is withdrawn in view of applicant's amendments and remarks.

7. The rejection of claims 1-17 and 22-26 under 35 U.S.C. 102(b) as being anticipated by Aronson et al, EP 013,585, is withdrawn in view of applicant's amendments and remarks.
8. The rejection of claims 1-17 and 22-26 under 35 U.S.C. 102(b) as being anticipated by Winkler et al, EP 308,190, is withdrawn in view of applicant's amendments and remarks.
9. The rejection of claims 1, 4-6, 15-17, and 19-24 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 13 of U.S. Patent No. 6,528,477 is maintained for the reasons of record.
10. The rejection of claims 1-17 and 22-26 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 14 of U.S. Patent No. 6,369,012 is withdrawn in view of applicant's amendments and remarks.
11. The rejection of claims 1, 4-6, 15-17 and 19-24 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 14 and 20 of U.S. Patent No. 6,589,926 is maintained for the reasons of record.
12. The rejection of claims 1-4, 6-12, 14-17, and 22-26 are under the judicially created doctrine of obviousness-type double patenting as being unpatentable over

claims 1 and 13 of U.S. Patent No. 6,277,811 is withdrawn in view of applicant's amendments and remarks.

13. The rejection of claims 1-17 and 22-26 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 14 of U.S. Patent No. 6,207,631 is withdrawn in view of applicant's amendments and remarks.

14. The rejection of claims 1, 4-6, 15-17, and 19-24 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 3 and 13-14 of U.S. Patent No. 6,521,577 is maintained for the reasons of record.

15. The rejection of claims 1-4, 8-12, 15-17, and 22-26 are under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 14 of U.S. Patent No. 6,372,708 is withdrawn in view of applicant's amendments and remarks.

NEW GROUNDS OF REJECTION

Double Patenting

16. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

17. Claims 27-42 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 13 of U.S. Patent No. 6,528,477. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the instant invention and claim 13 of U.S. Patent No. 6,528,477 claim a similar method of cleaning dishware and a similar method of contacting a hand with a composition comprising a polymer suds stabilizer, a surfactant, a diamine and adjunct ingredients (see claim 13 of U.S. Patent No. 6,528,477). Therefore, instant claims 27-42 are an obvious formulation in view of claim 13 of U.S. Patent No. 6,528,477.

18. Claims 27-42 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 14 and 20 of U.S. Patent No. 6,589,926. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the instant invention and claims 14 and 20 of U.S. Patent No. 6,589,926 claim a similar method of cleaning dishware and a similar method of contacting a hand with a composition comprising a polymer suds stabilizer, a surfactant, a diamine and adjunct ingredients (see claims 14 and 20 of U.S.

Patent No. 6,589,926). Therefore, instant claims 27-42 are an obvious formulation in view of claims 14 and 20 of U.S. Patent No. 6,589,926.

19. Claims 27-42 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 3 and 13-14 of U.S. Patent No. 6,521,577. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the instant invention and claims 3 and 13-14 of U.S. Patent No. 6,521,577 claim a similar method of cleaning dishware and a similar method of contacting a hand with a composition comprising a polymer suds stabilizer, a surfactant, a diamine and adjunct ingredients (see claims 3 and 13-14 of U.S. Patent No. 6,521,577). Therefore, instant claims 27-42 are an obvious formulation in view of claims 3 and 13-14 of U.S. Patent No. 6,521,577.

Response to Arguments

20. Applicant's arguments with respect to claims 1, 4-6, 15-17, and 19-24 have been considered but are moot in view of the new ground(s) of rejection.

The examiner notes that the only grounds of rejection remaining in the instant case are the obviousness-type double patenting rejections of instant claims 1, 4-6, 15-17, 19-24, and 27-42 over U.S. Patent Nos. 6,528,477, 6,589,926, and 6,521,577, which applicant has agreed to submit terminal disclaimers over in their response dated December 15, 2003.

Conclusion

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

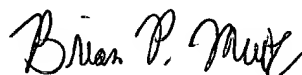
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Mruk whose telephone number is (571) 272-1321. The examiner can normally be reached on Monday-Thursday from 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.



Brian Mruk
March 13, 2004



Brian P. Mruk
Primary Examiner
Tech Center 1700